

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE CELEXA AND LEXAPRO) MDL DOCKET NO. 1736
PRODUCTS LIABILITY LITIGATION) ALL CASES

MEMORANDUM AND ORDER

This matter is before me on plaintiff Kathleen Higgins's motion for leave to amend her complaint. Defendant Forest Laboratories opposes the motion, primarily for the same reasons it argues that this case should be dismissed. Given that leave to amend should be freely granted, and in light of the fact that defendant's arguments are already before me in a pending motion to dismiss, I find that the interests of justice dictate that the motion for leave to amend should be granted. In granting leave to amend, I am not deciding that Higgins's claims are not barred by the statute of limitations. Higgins's case may yet be dismissed for this or some other reason. However, at this early stage of the proceedings I find this argument an appropriate basis upon which to deny leave to amend.

Accordingly,

IT IS HEREBY ORDERED that plaintiff Kathleen Higgins's motion for leave to amend the complaint [#104] is granted, and Higgins's amended complaint [#106] is deemed filed as of this date.



Rodney W. Sippel
RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 27th day of February, 2007.